

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JUDY LARSON, BARRY HALL, JOE
MILLIRON, TESSIE ROBB and
WILLIE DAVIS, individually and on
behalf of all others similarly situated,

Plaintiff,

-against-

AT&T MOBILITY LLC f/k/a
CINGULAR WIRELESS LLC and
SPRINT NEXTEL CORPORATION
and SPRINT SPECTRUM L.P. d/b/a
SPRINT NEXTEL and NEXTEL
FINANCE COMPANY,

Defendants.

No. 2:07-cv-05325-JLL-ES

ORDER TO SHOW CAUSE

THIS MATTER having been opened before the Court upon the application of Kelley Drye & Warren LLP (Joseph A. Boyle, Esq., appearing), attorneys for defendants Sprint Nextel Corporation, Sprint Spectrum L.P. d/b/a Sprint Nextel and Nextel Finance Company; and upon the Declaration of Joseph A. Boyle dated December 20, 2010, and a Memorandum of Law in support of this application dated December 20, 2010; and the Court having considered the submissions and the arguments of counsel; and it appearing that a class representative in the action entitled *In re Cellphone Termination Fee Cases*, JCCP 4332 (the "Subscriber Class Case") currently pending in the Alameda County

Superior Court, State of California (the "California Court") and on appeal before the Court of Appeals of the State of California First Appellate District, Division Five, No. A128026 (the "California Appeal") and her counsel in the Subscriber Class Case (Alan R. Plutzik, Esq., L. Timothy Fisher, Esq. and Bramson, Plutzik, Mahler & Birkhauser, LLP; Jacqueline E. Mottek, Esq. of the and Positive Legal Group, LLP; J. David Franklin, Esq. of Franklin & Franklin; and Scott A. Bursor, Esq. of the Law Office of Scott A. Bursor ("Subscriber Class Counsel") are continuing to litigate the Subscriber Class Case despite this Court's injunction in the Final Approval Order (Docket No. 437) and Final Judgment (Doc. No. 470); and it appearing that the Court's protection of the Final Judgment and its effectiveness may be impaired and/or jeopardized by virtue of the activities set forth in Sprint's submissions; and in furtherance and in aid of the Court's continuing jurisdiction over the Class Settlement; and in order to protect and effectuate its Final Judgment in the above-captioned action,

IT IS HEREBY ORDERED on this 23^d day of December, 2010; that:

1. Subscriber Class Counsel, and Katherine Zill, show cause before this Court at the Martin Luther King Jr. Federal Building, 50 Walnut Street, Newark, New Jersey, 07101, on ~~the~~ ^{February 8, 2011} ~~December, 2010~~, at 1pm or as soon

thereafter as counsel may be heard (no appearance will be necessary unless ordered by the Court);

(a) why an injunction should not immediately issue enjoining the Subscriber Class Plaintiff, Katherine Zill (the “Subscriber Class Named Plaintiff”) and Subscriber Class Counsel (and all persons acting in concert with them) from continuing the California Appeal and from continuing to prosecute any of the Released Claims, as that term is defined in the Settlement Agreement, in the Subscriber Class Case in the California Court or in any other state court or federal district court; and

(b) why the Subscriber Class Named Plaintiff and Subscriber Class Counsel (other than Jacqueline Mottek, Esq. of Positive Legal Group, who has withdrawn as counsel in the California Appeal) should not be held in contempt for violating this Court’s permanent injunction in paragraph 23 of the Final Judgment; and

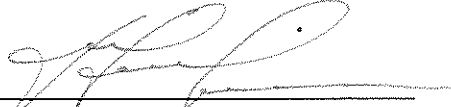
2. That the Subscriber Class Named Plaintiff and Subscriber Class Counsel shall file with the Court and serve upon counsel for Sprint and Class Counsel, no later than Jan. 11th, ~~2010~~²⁰¹¹, any opposing briefs, declarations or other papers in opposition to Sprint’s application;

3. That Sprint shall file with the Court and serve upon counsel for opposing counsel, any reply papers in support of their application, no later than January 18, 2011; and

IT IS FURTHER ORDERED that electronic filing and transmittal of this Order by the Clerk through the CM/ECF system along with electronic mail service upon Subscriber Class Counsel shall constitute good and sufficient service, and

IT IS FURTHER ORDERED that a copy of this Order to Show Cause and all papers filed in support thereof shall be provided to Judge Winifred Smith of the Superior Court of California, Alameda County and the Clerk of the Court for the Court of Appeals of the State of California First Appellate District, Division Five, by the most expeditious means possible.

Date: 12/23, 2010



Honorable Jose L. Linares,
United States District Judge